

**TOWN OF ELSMERE  
COUNCIL MEETING MINUTES  
SEPTEMBER 12, 2013  
COUNCIL CHAMBERS  
6:30 p.m.**

**CALL TO ORDER:** Mayor Steven Burg called the meeting to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

MAYOR	STEVEN BURG	PRESENT
1 <sup>ST</sup> DISTRICT	JOHN JAREMCHUK, JR.	PRESENT
2 <sup>ND</sup> DISTRICT	PATRICIA FRANTZ	PRESENT
3 <sup>RD</sup> DISTRICT	ROBERT KACPERSKI	PRESENT
4 <sup>TH</sup> DISTRICT	CHARLES MCKEWEN	PRESENT
5 <sup>TH</sup> DISTRICT	JOANN I. PERSONTI	ABSENT/EXCUSED
6 <sup>TH</sup> DISTRICT	DEBORAH A. NORKAVAGE	PRESENT
Town Solicitor, Edward McNally – Present		
Town Manager, John Giles – Present		
Chief of Police, Laura Giles – Present		

**PUBLIC COMMENT:**

Mr. Charles Woodward, 320 Osborne Road, asked where the Council came up with the idea of the yearly tax increase proposed in Ordinance 570, Do any other Towns in New Castle County have this ordinance or a similar ordinance, Will the Senior Citizens be exempt from this ordinance, If the numbers come out in February of each year what the increase would have been on this year's taxes.

Mayor Burg stated that this tax increase was not proposed this year because of such a large increase last year, the Senior Citizens would not be exempt from this ordinance. However, qualified Senior Citizens can receive reduced taxes if applied for.

Councilman Jaremchuk stated that he sponsored this ordinance because councilmembers by nature are politicians who do not want to raise taxes due to elections or other reasons which are unpopular and they go 8 or 9 years with no increase and then it gets to the point where you have to increase by a large number. He further stated that during the budget he was approached by a number of residents who stated that they would rather see small increases each year instead of one large increase.

Mr. Woodward asked if the Town considered reducing the number of employees.

Councilman Jaremchuk stated that there is no intention to reduce the number of employees and that if we went by the percentage which was identified by the Philadelphia Region this year the taxes would have increased by about \$9.00 a year for every household.

Mr. Woodward asked what the maximum would be each year and why this was not identified.

Ms. Marianne Skipski, 318 Osborne Road, asked why this has to be a law, Why can't it be a 10 year plan, and also if it will be a law, Is there a way to incorporate the language of "not more than the cost of living".

Councilman Jaremchuk stated that he would love to leave it at just that but it is irresponsible to do that because you don't know what is going to happen and it may be necessary to make the increase larger.

Ms. Skipski asked what would happen if the cost of living went down.

Councilman Jaremchuk stated that so would the taxes.

Ms. Skipski asked if the taxes were raised by a certain amount could the Town consider a policy to reduce spending by a certain amount as well.

Councilwoman Norkavage invited Ms. Skipski and the other residents to attend the budget hearings in June of each year and see how the Council and Staff go line by line to see where they can cut costs and look at every penny we spend. She further stated that this ordinance is to make council wary how they increase taxes and how they need to increase even if costs can cover because it prevents the large increases which have been occurring in the last few years.

Council noted that while this is a law it can be changed by any future council at any time.

Town Manager John Giles stated that if this ordinance was in effect this past budget year, the taxes would have increased by \$9.59 or a \$0.80 a month. He further stated that in 2006 the increase would have been \$7.17 or \$0.60 a month, 2007 - \$5.77 or \$0.48 a month, 2008 - \$4.02 or \$0.34 a month, 2009 - \$2.63 or \$0.22 a month which means that in 2010 when the resident's received a \$44.00 increase (had this bill been in effect) the increase would have only been \$19.86.

Councilman Jaremchuk stated that if any residents within his district would like a phone call when the budget hearings are being held to please contact him and he will call to notify them when the hearings are scheduled.

An unidentified resident asked if this would be reviewed each year or if it would just be increased no matter what.

Councilman Jaremchuk stated that this would be reviewed each year and is more of a guideline and not automatic.

Town Manager John Giles stated that he misunderstood because the ordinance is written to make this a required increase.

Mr. Frank Fitzpatrick, 204 Taylor Road, asked if the number which were mentioned by the Town Manager were monthly, and when this ordinance would take effect.

Town Manager John Giles stated that the \$9.59 would have been for the entire year not a month.

Councilman Jaremchuk stated that it would be effective for the budget in July of 2014.

Ms. Sherri Maclary, 309 Olga Road, stated that every morning at 7:20 am there are people who block the crosswalk at the Sanders Avenue intersection making it difficult for pedestrians to use the crosswalk safely.

Chief Laura Giles stated that she has sent officers down on several different days and there was only one infraction out of several days.

Ms. Maclary stated that maybe at this point there should be an officer who is not marked look at the intersection.

Jerry Linden, 3 Jefferson Ave, asked if the council could share an estimate of how many different line items the Town has in its budget to put the tax and budget issue into perspective.

Town Manager John Giles stated that there are approximately 300 line items and every line is reviewed and discussed at the budget hearing.

Councilwoman Frantz stated that the budget hearings are held on Saturdays and that the Council stays until the budget is finished.

#### **APPROVAL OF MINUTES:**

##### Minutes of the August 8, 2013 Council Meeting

**ACTION:** A motion was made by Councilman Jaremchuk to approve the minutes of the August 8, 2013 Council Meeting with no corrections. The motion was seconded by Councilwoman Norkavage.

**VOTE:** 5-0 with 1 Absent and 1 Abstained Motion carried

1<sup>st</sup> District – Yes, 2<sup>nd</sup> District – Abstained, 3<sup>rd</sup> District – Yes, 4<sup>th</sup> District – Yes, 5<sup>th</sup> District – Absent, 6<sup>th</sup> District – Yes, Mayor – Yes

Councilwoman Frantz stated that she abstained because she was absent from the August 8, 2013 Council Meeting.

#### **OLD BUSINESS:**

##### Consideration for First and Second Reading of Ordinance 570.

**ACTION:** A motion was made by Councilman Jaremchuk to consider Ordinance 570 for Third and Final Reading. The motion was seconded by Councilwoman Frantz.

At this time there was a discussion about whether this should be a resolution or an ordinance and that a resolution is more of a guideline. There was also discussion of whether this ordinance needs an amendment because the Charter supersedes any ordinance and requires that the taxes be adopted by Resolution each year.

**ACTION:** A motion was made by Councilman Jaremchuk to amend Ordinance 570 by inserting the word “consider” between the words “shall” and “at” and remove the word “be” after the words “absolute minimum” on the second line of paragraph after “Now, Therefore”. The motion was seconded by Councilwoman Frantz.

**VOTE:** 3-3 with 1 Absent Motion Defeated

1<sup>st</sup> District – Yes, 2<sup>nd</sup> District – Yes, 3<sup>rd</sup> District – No, 4<sup>th</sup> District – Yes,  
5<sup>th</sup> District – Absent, 6<sup>th</sup> District – No, Mayor – No

**ORIGINAL VOTE:** 0-6 with 1 Absent Motion Defeated

#### **ITEMS SUBMITTED BY THE MAYOR AND COUNCIL:**

Discussion regarding the possibility of the Town and the CAL combining efforts in order to apply grass to one of the infields.

Councilman Kacperski discussed how the small field at Vilone Park nearest to the railroad floods regularly and washes away the dimatex infield and how replacing some of the dimatex with a grass infield could allow water to absorb instead of just pooling and washing away the infield.

At this time there was a lengthy discussion between the Mayor, Council and Community Athletic League where the Council thought that the proposed costs seem awfully low and that several members of Council have spoken with landscape companies who are recommending more actions than what the League is proposing.

Councilman Kacperski suggested taking the cost of the project from either the Park Maintenance Line or the savings from the Public Works Salary Line where an employee has been on disability since July 1<sup>st</sup>.

Town Manager John Giles stated that while there is money in the Park Maintenance Line Item, that money has to go towards mulch replacement in the spring, equipment replacement and other items which are safety issues. He also stated that the money in the Public Works Salary is a savings, however, a part-time replacement was hired from that savings and a new full time employee may need to be funded if the employee cannot return to work in October.

The Mayor and Council asked the Community Athletic League to speak with a professional about the conversion and what is required and come back to them with a more detailed plan and cost before they consider paying for this to be completed.

#### **OLD BUSINESS:**

Follow-up concerning a request at the August 2013 meeting concerning the Street Sweeper.

Town Manager John Giles asked the Council to discuss this topic under New Business item number 3 and explained what the new Council Reports were and that they would be kept in a similar manner to Ordinances and Resolutions so that they can be referred to and looked at in future years.

#### **NEW BUSINESS:**

At this time Mayor Burg noted that Councilman Kacperski had left the room.

Consideration for First and Second Reading of Ordinance 571.

Town Manager John Giles gave a brief overview of the ordinance.

**ACTION:** A motion was made by Councilman McKewen to consider Ordinance 571 for First and Second Reading. The motion was seconded by Councilwoman Frantz.

**VOTE:** 5-0 with 2 Absent All-in-favor Motion carried

Mayor Burg noted that Councilman Kacperski was absent for this vote.

Consideration for First and Second Reading of Ordinance 572.

Town Manager John Giles gave a brief overview of the ordinance.

**ACTION:** A motion was made by Councilman McKewen to consider Ordinance 572 for First and Second Reading. The motion was seconded by Mayor Burg.

**VOTE:** 5-0 with 2 Absent All-in-favor Motion carried

Mayor Burg noted that Councilman Kacperski was absent for this vote.

At this time Councilman Kacperski re-entered the meeting.

Consideration of a request by the Town Manager to purchase several costly pieces of equipment and vehicles.

Town Manager John Giles presented Council Report 13-02 which indicated 5 items which were in need of purchase/replacement in a prioritized order along with possible funding options for these items.

1. A pickup truck
2. A loader/backhoe
3. The Emergency Notification System
4. Telephone System
5. A street sweeper

**ACTION:** A motion was made by Councilwoman Frantz to authorize the purchase of the Emergency Notification System in the amount of \$5,510.00 and to authorize a transfer from the Administration Computer Operations to Homeland Security in the amount of \$810.00. The motion was seconded by Mayor Burg.

Mayor Burg asked to clarify that this would need to be an annual allocation.

Town Manager John Giles stated that it would, however, there is already \$3,000.00 allocated annually to that line and that this would only call for an additional \$2,510.00 in additional funding each year.

**VOTE:** 6-0 with 1 Absent All-in-favor Motion carried

Chief Laura Giles stated that she may be able to fund the upgrade of the telephone system through a Domestic Violence Grant.

Councilman Kacperski asked how much we have received from the special tax liens.

Town Manager John Giles stated that we have billed over \$39,000.00 but have brought in about \$8,000.00 so far from the mortgage companies.

**ACTION:** A motion was made by Councilwoman Frantz to authorize the purchase of a pickup truck with the 3 year lease funding outlined in Council Report 13-02. The motion was seconded by Councilman Jaremchuk.

Councilman Kacperski asked where the money would come from to pay that lease.

Town Manager John Giles stated that the money would come from the Capitol Depreciation Allocation Line Item from the Long Term Planning Department.

**VOTE:** 5-1 with 1 Absent Motion carried

1<sup>st</sup> District – Yes, 2<sup>nd</sup> District – Yes, 3<sup>rd</sup> District – No, 4<sup>th</sup> District – Yes,  
5<sup>th</sup> District – Absent, 6<sup>th</sup> District – Yes, Mayor – Yes

Discussion concerning the possible transfer of certain historically significant Town documents to the State of Delaware Public Archives.

Town Manager John Giles presented several books which are housed in the building that date back to 1909 which are falling apart. He stated that he has always been opposed to transferring these items to Public Archives because once we do, they become property of the State, however, the books are historically significant and are falling apart. The State will take the documents and preserve them in the appropriate conditions, and provide copies to the Town any time they need them. He stated that there are several phases of this project, the first is to transfer permanent historically significant documents to DPA, the second is the transfer anything with 1-30 year retentions which would go to off-site storage and remain our responsibility, and the third is to keep several documents here at Town Hall.

**ACTION:** A motion was made by Councilwoman Norkavage to authorize the transfer of historically significant Town documents to the State of Delaware Public Archives and to proceed with the process outlined in Council Report 13-03. The motion was seconded by Councilman McKewen.

**VOTE:** 5-1 with 1 Absent Motion carried

1<sup>st</sup> District – Yes, 2<sup>nd</sup> District – Yes, 3<sup>rd</sup> District – No, 4<sup>th</sup> District – Yes,  
5<sup>th</sup> District – Absent, 6<sup>th</sup> District – Yes, Mayor – Yes

Councilwoman Frantz asked why Councilman Kacperski voted against the transfer of documents.

Councilman Kacperski stated that he did not like that the Town would lose control of the documents.

**DEPARTMENTAL REPORTS:**

Code Enforcement

Town Manager John Giles presented the written report.

Finance

Town Manager John Giles presented the written report.

Public Safety



Chief Laura Giles presented the written report. She stated that Officer Mitchell was struck by a drunk driver while on duty and that the vehicle will be fixed. She stated that the Office of Highway Safety gives grants for traffic enforcement, Elsmere participated in this and was selected to receive a free LIDAR Unit with a value of \$2,500.00 for providing traffic statistics. We received the amount of our Combat Violent Crimes Fund which is \$22,894.34 which will go to the replacement of exterior security cameras outside of the Police Department. There will also be some security cameras installed on poles at Fenwick Apartments that will help combat the crime in that area. EIDE Funds for 2013 are \$4,185.43 and the SALLE Grant which is \$5,284.75. The FBI recognized Ptlm. Giles for his actions in dealing with a Sovereign Citizen in March of 2013.

#### Public Works

Town Manager John Giles presented the written report.

#### Town Manager

Town Manager John Giles presented the written report. He stated that he sat in with the Council Committee regarding the establishment of a committee to deal with the purchase and resale of vacant properties within the Town, and that it was a productive meeting and that he would ask that Councilman Jaremchuk either elaborate on any missed information or make the appropriate motions to establish the corporation.

**ACTION:** A motion was made by Councilman Jaremchuk to authorize Mr. McNally to form the Elsmere Real Estate Holding Company. The motion was seconded by Councilwoman Frantz.

**VOTE:**            6-0 with 1 Absent            All-in-favor            Motion carried

Councilman Jaremchuk stated that once the Company is formed the Council will need to vote on 3 members to serve on the Board of Directors and how they would like the new company operate.

#### **ITEMS SUBMITTED BY THE MAYOR AND COUNCIL:**

**Mayor** – Mayor Burg announced that the Needy Family Fund Golf Fundraiser will be held on Monday, October 21, 2013 at 9:00am at the Cavalier Country Club.

**District 1** – None

**District 2** – None

**District 3** – None

**District 4** – None

**District 5** – None

**District 6** – None

#### **PUBLIC COMMENT:**

Amy Favreau, 1302 Sycamore Ave., asked if the Town had heard any more information regarding increased traffic and if they have determined the cause of the fire at the Yard Masters Office.

Town Manager John Giles stated that the project regarding increased traffic has been dropped and will no longer occur and the fire has been ruled arson.

**ADJOURNMENT:**

**ACTION:** A motion was made by Councilwoman Norkavage to adjourn. The motion was seconded by Councilwoman Frantz.

**VOTE:**            6-0 with 1 Absent            All-in-Favor            Motion carried

These minutes summarize agenda and other issues discussed at this Council Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tapes may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

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**STEVEN E. BURG**  
**MAYOR**

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**JOANN I. PERSONTI**  
**SECRETARY**